

REMARKS

The Amendments and the Support Therefor

Claims 1-3, 5, 13, 16, and 23-31 have been canceled. Twenty-two new claims (32-53) have been added. All of the new claims are directed at either an apparatus or method for cutting window blinds and are within the art of the previously examined claims. The added new claims were redrafted to address the 35 USC §112, 102, and 103 rejections. The new claims are supported by the specification and no new matter has been added.

35 USC §112 Indefiniteness Rejections

The Examiner found all of the previously pending claims “replete with vague and indefinite language and lack of antecedent basis.” We drafted new claims 32-53 with particular care and these are believed to comply with all of the requirements of 35 USC §112.

Claim 32

The Examiner stated that claim 5 would be allowable if rewritten to overcome the §112 rejections. Claim 32 includes all of the elements of claim 5. Claim 32 is believed to be allowable.

In addition, with respect to the movement of documents, Westra et al. states: “Then, rotator 100 is rotated and translator 88 translated to place document 34 in a desired position for trimming (FIG. 13).” (Westra et al., Col. 6, lines 23-25). The drawings referenced in the description show that the documents are moved and spun within a horizontal plane so that more than one side may be trimmed. Westra et al. does not disclose or suggest an apparatus for flipping a stack of documents about a horizontal axis so that opposite sides may be cut.

The present invention was designed to rotate an article for a different reason, and consequently along a different axis, than that of the Westra et al. document trimming apparatus. Specifically, we rotate the article about an axis parallel to the track (in other words, along a line parallel to a plane that includes the track) so that opposite sides may be cut. In contrast, in Westra et al., the axis of rotation is perpendicular to the plane defined by both “linear shafts 91 and 92”.

As shown in the Westra et al. drawings, the trimming apparatus is configured to cut into the top surface of each document in a bundle. One would not look to modify the transport holder of Westra et al. so that the axis of rotation is parallel to the table because then the document bundle would have to be laid on its side, and the documents would crumble, tear, and collapse as the cutting apparatus made contact and pushed into the side of the document stack. Therefore, modifying the axis of rotation in Westra et al. would not serve the purpose of cutting documents.

Independent claim 32 is patentably distinct from Westra et al., because claim 32 includes the limitation:

“a mount slidably adjoining and moveable along the track, having a rotatable shaft connected to the clamping mechanism *having an axis of rotation parallel to the track.*” Emphasis added.

Claim 37

Claim 37 includes all of the elements of claim 2, which the Examiner stated would be allowable if rewritten to overcome the §112 rejections. Claim 37 is believed to be allowable.

In addition, Westra et al does not disclose:

“wherein the mount is moveable along the track to a first position proximate the first terminal having the planar surface of the tray obstructing rotation of the clamp and to a second position proximate the second terminal *having the clamp positioned beyond the planar edge of the tray and rotatable about an axis parallel to the planar surface of the tray.*” Emphasis added.

In Westra et al., (1) a clamp cannot be positioned beyond the planar surface of a tray and (2) is not rotatable about an axis as defined in claim 37.

Claim 45

In the previous Office Action, the Examiner stated that Claim 2 would be allowable if rewritten to overcome the 35 §USC ¶112 rejections. Claim 45 was drafted to mirror and includes all of the limitations of Claim 2.

Regarding prior art clamps, the Examiner cites in general Smith (2,560,902) as showing an upper jaw, a lower jaw, a back plate, and a latch. With respect to claim 45, however, neither Westra et al. nor Smith disclose *a shaft secured to the backplate and rotatably connected to the mount* as recited in claim 45. Westra et al. does not show a backplate connected to a lower jaw, an upper jaw, and a shaft. In Westra et al., a shaft 102 is connected to a first leg/planar plate so that the documents can be spun within a horizontal plane. Westra et al. does not show a shaft connected to vertical leg 105. Smith shows no rotatable connections.

Claim 52

Claim 52 includes all of the elements of claim 29, which the Examiner stated would be allowable if rewritten to overcome the §112 rejection.

Claim 52 is a method for cutting an article, and includes the step of flipping the article one-hundred-eighty degrees about a *horizontal* axis. As discussed above, neither Westra et al. nor Smith disclose a structure that provides for the flipping of an item about a horizontal axis.

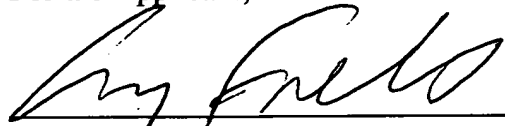
Dependent Claims

All of the other new claims are dependent upon claims believed to be allowable, and as such are believed allowable.

In Closing

If any questions regarding the application arise, please contact the undersigned attorney. Telephone calls related to this application are welcomed and encouraged. The Commissioner is authorized to charge any fees or credit any overpayments relating to this application to deposit account number 18-2055.

For the Applicant,

A handwritten signature in black ink, appearing to read "Craig A. Fieschko", written over a horizontal line.

Craig A. Fieschko, Reg. No. 39,668
DEWITT ROSS & STEVENS S.C.
USBank Financial Centre
8000 Excelsior Drive, Suite 401
Madison, Wisconsin 53717-1914
Telephone: (608) 828-0722
Facsimile: (608) 831-2106
cf@dewittross.com

ATTACHMENTS:
PTO-2038 (\$490)